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Attorneys for Plaintiffs and the Proposed Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

MARK GONZALEZ and DONNIE WESLEY
SR., individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

CHATTEM, INC.,

Defendant.

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CASE NO. 4:23-cv-00102-HSG

**STIPULATION AND ORDER
SETTING BRIEFING SCHEDULE ON
CHATTEM'S RESPONSE TO THE
AMENDED COMPLAINT;
SUPPORTING DECLARATION OF
KEARA GORDON**

STIPULATION AND ORDER SETTING BRIEFING SCHEDULE ON CHATTEM'S RESPONSE TO THE
AMENDED COMPLAINT
CASE NO. 4:23-CV-00102-HSG

Pursuant to Federal Rule of Civil Procedure 6 and Civil Local Rule 6-2, Plaintiffs Mark Gonzalez (“Gonzalez”) and Donnie Wesley Sr. (“Wesley Sr.”) (together, the “plaintiffs”) and Defendant Chattem, Inc. (“Chattem”) (together, with the plaintiffs, the “Parties”), by and through their respective counsel, hereby stipulate and agree to the following:

WHEREAS, the plaintiffs filed the First Amended Class Action Complaint (the “Amended Complaint”) on March 24, 2023, *see* ECF No. 35, and served a copy of the Amended Complaint on Chattem on March 24, 2023;

WHEREAS, under Federal Rule of Civil Procedure 15(a)(3), Chattem is presently required to respond to the Complaint on April 7, 2023;

WHEREAS, given the new allegations in the Amended Complaint, Chattem’s counsel requires additional time to respond;

WHEREAS, on April 5, 2023, Chattem’s counsel contacted the plaintiffs’ counsel to request an additional seven days to respond to the Amended Complaint, and the plaintiff’s counsel agreed to the requested extension;

WHEREAS, subject to the Court’s approval, the parties also agreed to a proposed briefing schedule, as follows, on Chattem’s anticipated motion to dismiss, subject to this Court’s approval:

Chattem’s Motion to Dismiss:	April 14, 2023
Plaintiffs’ Opposition:	May 15, 2023
Chattem’s Reply Brief:	June 5, 2023;

WHEREAS, on February 8, 2023, the Court issued an Order vacating the Parties’ initial case management conference scheduled for April 18, 2023, and stated that the Court intends to hold an initial case management conference at the same time as the motion to dismiss hearing, ECF No. 25;

WHEREAS, this is the third request for an extension of time in this action, and the Parties’ proposed updated briefing schedule will not affect any other currently scheduled dates previously set by the Court;

IT IS HEREBY STIPULATED AND AGREED, that pursuant to Federal Rule of Civil Procedure 6(b) and Civil Local Rule 6-2, subject to the Court’s approval, the following briefing

1 schedule shall apply to Chattem's anticipated motion to dismiss:

2 Chattem's Motion to Dismiss: April 14, 2023

3 Plaintiffs' Opposition: May 15, 2023

4 Chattem's Reply Brief: June 5, 2023.

5 IT IS FURTHER STIPULATED AND AGREED THAT the Parties shall participate in the
6 initial Case Management Conference at the same time as the motion to dismiss hearing.

7 IT IS SO STIPULATED.

8 Date: April 6, 2023

9 **DLA PIPER LLP (US)**

10 By: /s/ Isabelle Ord

11 ISABELLE ORD
12 Attorney for Defendant
CHATTEM, INC.

13 **REESE LLP**

14 By: /s/ George V. Granade

15 George V. Granade
16 Attorney for Plaintiffs MARK GONZALEZ
and DONNIE WESLEY SR. and the Proposed
17 Class

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 4/6/2023


Honorable Haywood S. Gilliam, Jr.

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STIPULATION AND ORDER SETTING BRIEFING SCHEDULE ON CHATTEM'S RESPONSE TO THE
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